



## Legislative Bulletin.....October 1, 2002

### Contents:

**H.R. 5460**—To reauthorize and amend the Federal Water Project Recreation Act

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### **H.R. 5460—To reauthorize and amend the Federal Water Project Recreation Act (Calvert)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, October 1<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary (as amended):** H.R. 5460 would reauthorize and amend the Federal Water Project Recreation Act (16 U.S.C. 460l-12). This Act provides that any investigation and planning of a federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project will include a full consideration for the opportunities, if any, that the project affords for outdoor recreation and for fish and wildlife enhancement. Wherever any such water project can reasonably serve either or both of these purposes, the project is to be constructed, operated, and maintained accordingly (preferably by non-federal public bodies).

H.R. 5460 would strike the preference for non-federal public bodies and insert a preference for non-federal entities (thereby allowing private, non-government organizations to manage such water projects).

Fees and charges could be collected, retained, and used by the non-federal entities for operation, maintenance, and replacement of recreation facilities on project lands and waters being managed by the non-federal entities. Any excess revenues would be credited to the Reclamation Fund to remain available, without further Act of appropriation, to support recreation development and management of Bureau of Reclamation land and water areas.

The bill would also clarify the allowable activities for the federal government in these water projects when a non-federal entity is not managing the project. The provision in current law allowing the federal leasing of project facilities to non-federal project managers would be repealed.

Funds appropriated under the Federal Water Project Recreation Act would remain available until expended.

H.R. 5460 would direct the Secretary of the Interior to construct recreational facilities at Lost Creek Reservoir in Utah (subject to a cooperative agreement between the federal government and the State of Utah regarding the operation and maintenance of the facilities). The federal share of this construction project would be 50%.

The bill would also make numerous technical changes to the existing Act.

H.R. 5460 was **amended to include H.R. 4739**, which will provide \$1 million a year in federal funding to assist in the design, planning, and construction (though not the operation or maintenance) of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility in Austin, Texas, **and H.R. 4792**, which reauthorizes (the existing level of) \$55 million in funding for the Water Desalination Act of 1996. The Water Desalination Act (P.L. 104-298) authorizes the Secretary of the Interior to award grants and contracts to conduct, encourage, and assist in the financing of research to develop processes for converting saline water into water suitable for beneficial uses. The Act also directs the Secretary to administer and conduct a demonstration and development program for water desalination and related activities, including desalination plants and modules, byproducts marketing, economic cost surveys, and desalination cooperative agreements.

**Cost to Taxpayers:** A CBO cost estimate for the base portion of H.R. 5460 is unavailable. CBO estimates that the H.R. 4739 portion of the amended bill would authorize \$1 million in FY2003 and \$5 million over the FY2003-2007 period. The H.R. 4792 portion of the amended bill would authorize a total of \$55 million over the FY2003-2008 period (\$5 million a year for research and \$25 million over six years for demonstrations and development).

**Does the Bill Create New Federal Programs or Rules?:** The bill would adjust current law regarding water projects, authorize the construction of a new project in Utah, authorize the construction of a wastewater project in Texas, and reauthorize existing law on desalination projects.

**Constitutional Authority:** A committee report citing constitutional authority for the base text of H.R. 5460 is unavailable. For the H.R. 4739 portions of the bill, the House Resources Committee (in House Report 107-635) cites constitutional authority in Article I, Section (but does not cite a specific clause). A committee report citing constitutional authority for the H.R. 4792 portions of the bill is unavailable.

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